

No. 14/13/87-6 Lab./19.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Priya Klay (P) Ltd. Kilazafargarh v. Kali Ram.

IN THE COURT OF SHRI P. L. KHANDUJA,
PRESIDING OFFICER, INDUSTRIAL TRIBU-
NAL-CUM-LABOUR COURT, ROHTAK.

Reference No. 154 of 1994.

between

SHRI KALI RAM, S/O SHRI CHANDI RAM,
LAXMAN COLONY, JULANA, DISTT. JIND,

—Workman.

and

THE MANAGEMENT OF M/S PRIYA KLAY
(P) LTD., KILAZAFARGARH.

Present :

Shri O. P. Punia, Authorised Representa-
tive, for the workman.

Shri S. Kaushal, Authorised Representa-
tive, for the management.

AWARD

In exercise of powers conferred by sub-clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties, named above, to this Court for adjudication,—vide Labour Department Endorsement No. SOV/Bhiwani/1833- 38, dated 11th January, 1989 :—

Whether the services have been terminated of Shri Kali Ram or he left the services by tendering his resignation ?
To what relief he is entitled after decision on this point ?

2. The workman and the management were summoned. The workman appeared and filed the claim statement that the workman had joined the employment of the respondent concern, which is an industry as defined under the Industrial Disputes Act, 1947 in the year 1987. The workman was employed as Electrical Supervisor in the said industrial concerned on 16th June, 1987. He served the company peacefully by devoting his full time and attention required from him. The petitioner was abruptly prevented from doing his duty on 13th July, 1989, after having served the company for several years, without issue of any show cause notice, without passing any order of removal, without service of any charge-sheet and without holding

him guilty for any misconduct, without finding any fault in this working or behaviour etc. The petitioner was neither paid any retrenchment compensation, nor pay in lieu of notice as required under Section 25-F of the Industrial Disputes Act, 1947. The workman has been removed from services and his removal amounts to retrenchment as defined under section 25(oo) of the Industrial Disputes Act, which is illegal null and void because of non-payment of retrenchment compensation or non-payment of pay of lieu of notice or notice pay. He had never executed any resignation so much he never through event in dreams to leave the comfortable service. The respondent had on the contrary forged the documents and forged the resignation which was fake, forged, fraudulent document. The workman stressed for reinstatement but of no avail. The workman has not been able to find out any alternative, suitable post and is on the road. He is entitled to his arrears of pay, post, position, perquisite and perks from the beginning as if he was never removed and also entitled to interest at the rate of 12 per cent p.a. as he has been wrongfully removed.

3. The management has filed the written statement that respondent is a small scale unit manufacturing clay product in their unit at Kilazafargarh a backward industrial belt in Haryana. The number of persons employed in the establishment were more than 50. Standing Orders are applicable in the company in terms of the provisions of the Industrial Employment (Standing Orders) Act, 1946 and these Standing Orders have got the force of law. The applicant was appointed in June, 1987 as an electrical supervisor. Initially the rate of salary given to the applicant was Rs. 950 which was enhanced to Rs. 1,200. The applicant filed his demand notice dated 31st August, 1988 under the misguidance to gain undue financial advantage from the management. During the conciliation stage the documents pertaining to resignation were shown to the applicant and the applicant admitted his signatures on the same. Thus the appropriate Government has travelled beyond its jurisdiction while making the reference regarding resignation in proceedings under Section 2-A. The applicant filed a demand notice after a gap of more than 3 weeks alleging therein that his services were terminated by the management on 13th July, 1987. It is prayed that the reference be answered in favour of the respondent and against the workman.

4. Replication was filed by the workman in support of assertion of his claim statement. The following issues were framed :—

- (1) As per terms of reference ?
- (2) Whether the workman submitted the resignation, if so to what effect ?
- (3) Whether this Court has no jurisdiction to try the case.
- (4) Relief.

5. My findings on the above issues with reasons thereof are as under :—

ISSUES NO. 1 & 2 :

6. Both these issues are being taken together as issue No. 1 can be decided on the basis of decision given by me on issue No. 2, firstly.

7. The workman has come into witness the evidence. The management has examined Shri Dharam Pal Sharma, Manager as MW-1 and Raghbir Singh is also examined by the management as MW-2 and closed the evidence.

8. Regarding resignation statement of Shri Dharam Pal Sharma has been referred and who made the statement that the applicant had taken all the account from management on 10th July, 1988 and gave his resign action letter Ex. M-1 before him arranged marked 'A' on the said letter. He was released giving one month gap on the resignation letter. The workman had told that he has taken the contract work of electric fitting and this is how he sold his house at Julana and shifted his house at Jind. Ex. M-2 is the letter given by the workman to the management and after 10th July, 1986 the workman had never gone to the management. He also made statement that the workman was never retrenched but he had himself left the job and the workman is taking electric contract of electric at Raj Hans. The suggestion was made to Shri Dharam Pal Sharma that the letter Ex. M-1 and Ex. M-2 were not written by the applicant before him. He could say that whether it is signed by the workman on Ex. M-1 or not. He also admitted that writing on the application dated 5th June, 1988 as his writing date of 11th June, 1988.

9. Raghbir Singh Clerk in the office of E.S.I. Rohtak also made statement that the applicant/workman had submitted his resignation letter Ex. W-2/1 and it is sent from Kilazafargarh on 16th September, 1987 through the worker and he had sent letter copy of which is Ex. MW-2/2. Both the papers were sent and or of one of the same person who is working in the Raj Hans Oil, Jind. Ex. M-1 is signed by the applicant. I have gone through the signatures

of Ex. M-1 and M-2 and with the claim statement. Signatures of the applicant on the statement of claim and on demand notice are in English whereas signatures of Kali Ram in Hindi rather on paper Ex. M-2. It is true that Ex. M-1 has not been cross-examined that workman had never tendered his resignation and he was telling a lie. Ex. M-1 is the copy of letter sent by the applicant to the manager that he has got the job at any other place and which is signed by Kali Ram in English. I have gone through the signatures of Kali Ram in english on Ex. M-1, Ex. M-2 and I find that Ex. M-1, M-2 and Ex. M/1 all the papers are signed by the applicant in Hindi as well as English. I have gone through the signatures of Kali Ram on the claim statement, I find both the papers are signed by Kali Ram. He has not stress any thing as to whether Ex. M-1, M/1, M-2 are signed by same or not.

10. The workman has admitted in cross-examination that Ex. M-1 is signed by him. It is not explained by the workman in his statement as to how the management had got the signature on Ex. M-1. Ex. M-1 is regarding the clearance of whole accounts the management and nothing is due against the management.

11. I have clearly observed that the documents Ex. M-2 and M-1 are signed by the applicant (the same person) who signed the claim statement and who signed Ex. M-1, which is not proved that as the workman had resigned,—vide letter copy of which Ex. M/1 and the note is given on the letter that (Kali Ram was met me today and explained that he is not interested in employment. This letter be treated one more month notice from today and he be relieved on 10th July, 1988). Its note given on 11th June, 1988.

12. The learned Authority Representative for the management also made submission that as the workman has been employed on some other work and he is getting more pay than he was getting here, so he is not entitled to the relief. The workman has not been suggested as to where he had been employed. However, Dharam Pal Sharma, Manager of the respondent has made statement that workman is now working with the Raj Hans. He has not been suggested or that he is not working in the Raj Hans or that he has making false statement. However in the Ex. M-1 the resignation letter, the workman has mentioned that he is getting another good job so he

wants to relieve this job. For no cross-examination of the witness that he is not serving in Raj Hans firm etc. It is proved that workman is working in Raj Hans has mentioned in Ex. M-1 that he is getting more pay that he was getting here.

issues, I hold that the workman is not entitled to any relief. The reference is answered and returned accordingly. The parties are left to bear their own costs.

The 14th December, 1994.

13. For the reasons the workman has been appointed some other good place and having good pay. He is not entitled to the job because he resigned the job which is proved from Ex. M-1 and Ex. M-2. I, therefore decided these issues against the workman.

P. L. KHANDUJA,
Presiding Officer,
Industrial Tribunal/Labour
Court, Rohtak.

Endorsement No. reference 154-94/2973, dated the 15th December, 1994.

ISSUE NO. 3 :

14. This issue is not pressed or argued by the parties. Hence I decide this issue against the management.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh.

ISSUE NO. 4 (RELIEF) :

15. In view of my findings on the above

P. L. KHANDUJA,
Presiding Officer,
Industrial Tribunal/Labour
Court, Rohtak.

No. 14/13/87-6Lab/6.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s the Jind Central Cooperative Bank Ltd., Jind *versus* Satyapal Singh.

IN THE COURT OF SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ROHTAK.

Reference No. 284 of 1991

between

SHRI SATYAPAL SINGH C/O SHRI CHETAN ANAND, DISTRICT PRESIDENT, B.M.S.
NAYA BAZAR, BHIWANI, .. *Workman*

and

1. THE MANAGEMENT, THE JIND CENTRAL CO-OPERATIVE BANK LTD., JIND,
2. THE ASSISTANT REGISTRAR, COOPERATIVE SOCIETIES, JIND,
3. PRESIDENT/SECRETARY, THE NAI BATHANA CO-OPERATIVE CREDITE SERVICE SOCIETY LTD., BATHANA.

Present :

None, for the parties.

AWARD

In exercise of powers conferred by sub-clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties, named above, to this Court for adjudication,—*vide* Labour Department, Endorsement No. ID/30557—64, dated the 19th August, 1993 :—

Whether the termination of services of Shri Satpal Singh is justified and in order? If not, to what relief he is entitled?

2. The case was called several times but no one present on behalf of the parties. Hence the reference is dismissed in default, with no order to costs.

The 12th December, 1994.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

Endorsement No. Reference 284-94/3005, dated the 22nd December, 1994

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

No. 14/13/87-6Lab./8.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of Transport Commissioner, Haryana, *versus* Mangat Ram.

IN THE COURT OF SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL CUM-LABOUR COURT, ROHTAK

Reference No. 673 of 1992

between

SHRI MANGAT RAM, C/O FATEH SINGH, C-1, PREM NAGAR ROHTAK

.. Workman

and

- (1) THE MANAGEMENT OF TRANSPORT COMMISSIONER, HARYANA,
CHANDIGARH;
- (2) THE GENERAL MANAGER, HARYANA ROADWAYS, SONEPAT

Present :

None for the parties.

AWARD

In exercise of powers conferred by sub-clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the parties, noted above, to this Court for adjudication,—*vide* Labour Department Endst. No. S.O.V./Soni/80-91/25082—87, dated 12th June, 1992 :—

Whether the termination of services of Shri Mangat Ram, is justified and in order ? If not, to what relief is he entitled ?

2. The case was called several times but no one present on behalf of the parties. Hence the reference is dismissed in default. The reference is answered and returned accordingly, with no order as to costs.

Dated the 7th December, 1994.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

Endorsement No. Ref. 673-92/3003, dated the 22nd December, 1994.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

No. 14/13/87-6Lab./10.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of The H.S.E.B., Panchkula *versus* Moti Ram.

IN THE COURT OF SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ROHTAK

Ref. No. 74 of 1994

between

SHRI MOTI RAM, S/O SHRI MUNSHI, KHANPUR KALAN, DISTT. SONEPAT, WORKMAN

and

THE MANAGEMENT OF THE HARYANA STATE ELECTRICITY BOARD,
PANCHKULA, (2) SUPERINTENDING ENGINEER, H.S.E.B., CIRCLE, SONEPAT.

Present :

None for the parties.

AWARD

In exercise of powers conferred by sub-clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties, noted above, to this Court for adjudication,—*vide* Labour Department Endorsement No. ID/19790—97, dated 18th May, 1994 :—

Whether the termination of services of Shri Moti Ram, is justified and in order? If not, to what relief he is entitled?

2. The case was called several times but no one present on behalf of the parties. Hence the reference is dismissed in default, with no orders as to costs.

The 6th December, 1994.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

Endorsement No. ref. 74-94/3000, dated the 22nd December, 1994.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.